

1 ORDINANCE 8295

2 AN ORDINANCE AMENDING CHAPTER 7-7, "TOWING AND
3 IMPOUNDMENT," B.R.C. 1981, TO ADOPT ADDITIONAL
4 REGULATIONS ON NONCONSENSUAL TOWING AND
5 SETTING FORTH RELATED DETAILS.

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
7 COLORADO:

8 Section 1. Section 7-7-5, "Private Towing and Impounding of Vehicle Parked Without
9 Authorization on Private Property," B.R.C. 1981, is amended to read as follows:

10 **7-7-5. - Private Towing and Impounding of Vehicle Parked Without Authorization on
11 Private Property.**

12 (a) The owner or lessee of real property or an agent authorized by the owner or lessee may cause
13 any motor vehicle, parked on such property without the permission of the owner, lessee or
14 occupant of the property, to be removed or impounded by a towing carrier, but, except on
15 property used as a single-family residence, only if any applicable requirements of subsection
16 7-6-14(b), B.R.C. 1981, and subsection (b) of this section have been met. It is not necessary
17 that a citation be issued for violation of Section 7-6-14, "Unauthorized Parking Prohibited,"
18 B.R.C. 1981, for a vehicle to be removed or impounded pursuant to this section.

19 (b) Except on property used as a single-family residence, the owner, lessee or occupant of real
20 property or an agent thereof, prior to causing the removal and impoundment of a motor vehicle
21 from any area set aside for motor vehicle parking on such person's property, shall:

22 (1) ~~Provide~~ Provide clear notice on signs or pavement markings meeting the requirements of
23 paragraph 7-6-14(b)(3), B.R.C. 1981, that unauthorized vehicles will be towed away at
24 the owner's expense, including the name and telephone number of each towing company
25 authorized to remove any vehicle;

(A) Provided however, after April 1, 2019, all such signs shall include a symbol
depicting a tow truck towing a car as set forth in regulations adopted by the city
manager; and

(B) The requirements of subsection (A) above shall not apply to commercial non-
residential properties except for external remodel, change of ownership and new
construction; and

(C) The requirements of subsection (A) shall not apply to residential properties unless
there are more than 5 tows in any twelve-month period or there is an external
remodel, change of ownership or new construction.

(2) Not receive any payment monetary or otherwise from any towing company.

- 1 (c) A vehicle parked on private property in violation of Section 7-6-14, "Unauthorized Parking
2 Prohibited," B.R.C. 1981, is subject to immediate towing under state law as an abandoned
3 vehicle on private property if the provisions of subsection (b) of this section are also met.
4 Furthermore, any motor vehicle left unattended on private property for a period of twenty-
5 four hours or longer without the consent of the owner or lessee of such property or the owner's
6 or lessee's legally authorized agent is also subject to immediate towing under state law as an
7 abandoned vehicle on private property.
- 8 (d) Vehicles towed pursuant to this section are privately impounded. All actions by the towing
9 carrier and others shall be in accordance with and pursuant to the state statutes and regulations
10 governing private tows of abandoned vehicles and pursuant to Section 7-7-11, "Towing
11 Regulations," B.R.C. 1981.
- 12 (e) Disputes concerning the propriety of impoundments under this section shall be settled by the
13 parties involved in the civil courts, and the city shall not be a proper party defendant in any
14 such suit.

15 Section 2. A new Section 7-7-11, "Towing Regulations," B.R.C. 1981, is added as follows:

16 **7-7-11. – Towing Regulations.**

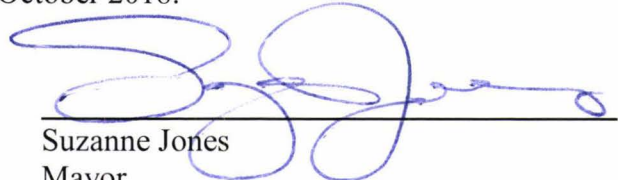
- 17 (a) The provisions herein are intended to compliment and not supersede the provision of state law
18 and regulations governing towing. If there is a conflict between state law and the provisions
19 in this section, state law will control.
- 20 (b) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is
21 parked without the authorization of the property owner appears in person to retrieve the motor
22 vehicle after a tow truck is present and either backed up in alignment with such motor vehicle
23 or tow equipment has come into contact with such motor vehicle, but before its removal from
24 the property the operator shall release the vehicle without charge.
- 25 (c) A towing carrier shall not tow any motor vehicle, unless one of the following conditions is
met:
- (1) The towing carrier is directed to perform a tow by a law enforcement officer;
 - (2) The towing carrier is requested to perform a tow by the owner, authorized operator, or
authorized agent of the owner of a motor vehicle; or
 - (3) The towing carrier is requested to perform a tow upon the property owner's authorization,
in form sufficient under state law.
- (d) A towing company shall not require cash payment for release of a vehicle.
- (e) If a storage facility is not open during normal business hours or a representative does not
respond within one hour to a request outside of normal business hours, then no towing or
storage fee may be charged.
- (f) The gate fee, or maximum hourly charge for releasing a vehicle after normal business hours,
shall not exceed the amount permitted by state law or one-half of the state-permitted tow rate,
whichever is less.

- 1 (g) If a vehicle is towed for storage more than twelve miles from where the vehicle was parked
2 the towing company shall apply a credit to any invoice in an amount equal to the Internal
3 Revenue Service Mileage Rate multiplied by the miles between the place where the vehicle
4 was parked and the place of storage.
- 5 (h) No towing company shall operate in the city without a valid motor carrier permit.
- 6 (i) When towing a vehicle, the operator shall record the reason for the tow, the location, the time
7 that the vehicle was identified as being parked illegally, the time of the tow, and the make and
8 model of the vehicle.
- 9 (j) When towing a vehicle, the operator shall photograph the vehicle in a manner that accurately
10 represents the vehicle's condition prior to towing.
- 11 (k) An operator shall provide notice via certified mail to the registered owner of any towed
12 vehicle within the later of 72 hours of the initiation of the tow or the next business day after
13 the initiation of the tow.
- 14 (l) An operator shall provide notice to the Boulder Police Department within 30 minutes of any
15 vehicle towed without the owner's consent. Such notice shall include the date, time and place
16 of the tow as well as the make, model and license plate of the vehicle.
- 17 (m) Whether on the private property where the tow originates or at the towing carrier's storage
18 lot, a towing company shall not refuse to relinquish personal property. The towing company
19 shall immediately relinquish such items upon demand, without requiring payment and without
20 additional charge.


21 Section 3. This ordinance is necessary to protect the public health, safety, and welfare of
22 the residents of the city, and covers matters of local concern.

23 Section 4. The city council deems it appropriate that this ordinance be published by title
24 only and orders that copies of this ordinance be made available in the office of the city clerk for
25 public inspection and acquisition.

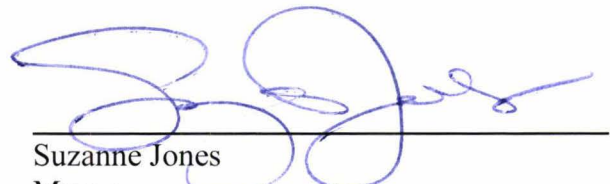
1 INTRODUCTION, READ ON FIRST READING, AMENDED, AND ORDERED
2 PUBLISHED BY TITLE ONLY this 16th day of October 2018.

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4 
5 Suzanne Jones
Mayor


6 Attest:

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8 Lynnette Beck
City Clerk


9 READ ON SECOND READING, AMENDED AND PASSED this 4th day of December
10 2018.

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13 Suzanne Jones
Mayor


14 Attest:

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16 Lynnette Beck
City Clerk

17 READ ON THIRD READING, AMENDED AND PASSED this 18th day of December
18 2018.

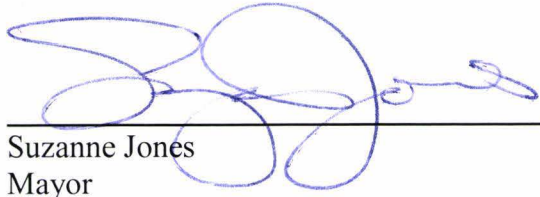
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21 Suzanne Jones
Mayor

22 Attest:


23 
24 Lynnette Beck
City Clerk
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1 READ ON FOURTH READING, PASSED AND ADOPTED this 15th day of January

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3 2019.

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5 _____
6 Suzanne Jones
7 Mayor

8 Attest:

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10 _____
11 Lynnette Beck
12 City Clerk

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